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| 10/729,481 | 12/05/2003 | Barney P. Johnson | 11929.001 | 3101 |
| 28309 7590 06/06/2008 BOWERS HARRISON LLP GARY K. PRICE, ESP. 25 RIVERSIDE DRIVE PO BOX 1287 EVANSVILLE, IN 47706-1287 | | | | |
| EXAMINER | | | | |
| LIEW, ALEX KOK SOON | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2624 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,481

Applicant(s)

JOHNSON, BARNEY P.

Examiner

ALEX LIEW

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This office action is in response to the petition for revival for the current application filed on 1/15/08 and approved on 4/7/08.

Response to Applicant's Arguments

On page 4, the applicant stated:

Suzuki et al. uses lenticular lenses 220, 230. Suzuki et al. in Fig. 15 discloses rows of designs printed on planar surface 240. Applicant claims a non-planar surface in all claims. This difference is important as it is the non-planar surface that creates the 3D effect. None of the prior art discloses objects printed on a non-planar surface.

The examiner disagrees; Suzuki discloses a method for creating variable size and variable resolution stereograms on a non-planar surface, said method comprising the steps of

selecting a first elemental image, said first image consisting of designs (see figure 15 row 241 has a first shaded design);

selecting a second elemental image, said second image consisting of design (see figure 15 the row below 210 has a second shaded design);

positioning a plurality of rows of the first image on an object having a non-planar surface (see figure 15, the designs on 241 is positioned with lenticular lens, 230, lenticular lens is curved), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (241 and 230 are Lv2 spaced apart); and

positioning a plurality of rows of the second image on an object having a non-planar surface (see figure 15, the designs on 210 is positioned with lenticular lens 220),

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wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (the design on the second row is spaced apart by V_m).

The lenticular inherently creates three-dimensional when viewed by an individual.

2. On page 4, the applicant stated:

Neither, Suzuki et al. nor Sussman disclose indicia of any type printed on a non-planar surface to create an illusion of floating text as claimed. Thus the combination of Suzuki et al. in view of Sussman fails to show the devices claimed. Further, if Suzuki et al., which works with lenticular lenses 220, were modified by Sussman's teaching to place the images in staggered columns, the resulting device would not function at all. Suzuki et al. requires identical patterns laid out in a checkerboard pattern as shown in Fig. 15 referenced by Examiner.

The examiner disagrees; the examiner is only modifying the designs of the patterns of Suzuki, figure 15, 241, with the patterns of Sussman, which are text.

The examiner will repeat the same rejection for all claims.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8, and 9 are rejected under U.S.C. 102(e) as being anticipated by Suzuki (US pub no 2003/0012425).

With regards to claim 1, Suzuki discloses a method for creating variable size and variable resolution stereograms on a non-planar surface, said method comprising the steps of

selecting a first elemental image, said first image consisting of designs (see figure 15 row 241 has a first shaded design);

selecting a second elemental image, said second image consisting of design (see figure 15 the row below 210 has a second shaded design);

positioning a plurality of rows of the first image on an object having a non-planar surface (see figure 15, the designs on 241 is positioned with lenticular lens, 230, lenticular lens is curved), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (241 and 230 are Lv2 spaced apart); and

positioning a plurality of rows of the second image on an object having a non-planar surface (see figure 15, the designs on 210 is positioned with lenticular lens 220), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (the design on the second row is spaced apart by V_m).

With regards to claim 6, see the rationale and rejection for claim 1. In addition, Lh2 shown in figure 18 is depth information seen from the eyes.

With regards to claim 8, Suzuki discloses first and second rows of elements are printed on a planar surface and then placed on said non-planar surface for display (see figure 15, 241 is positioned with 230 and 210 is positioned with 220).

With regards to claim 9, Suzuki discloses non-planar surface has surface curvature (see figure 15, 220 and 230).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 – 5 are rejected under U.S.C. 103(a) as being unpatentable over Suzuki ('425) in view of Sussman (US pat no 5,641,289).

With regards to claim 2, Suzuki discloses a stereogram comprising a plurality of rows of repeated elements, said elements differ from row to row and are horizontally and differentially spaced apart, wherein the rows of repeated elements are displayed on an object having a non-planar surface (see figure 15 – 241, the designs on the rows are

repeated and spaced apart by V_m), wherein elements are horizontally and differentially apart (each odd rows are V_m spaced apart). Suzuki does not disclose having image perceived to float in spaced in three dimensional. Sussman discloses image being displayed are perceived to float in space in three dimensional as if parts of the image were located on different distances from a viewer (see column 3, lines 35 – 37). One skilled in the ordinary art would include having image perceived to float in spaced in three dimensional because to help us see the text and / or content of the images more clearly to retain memory of written text and / or content on the three dimensional image (see Sussman column 1, lines 6 – 7).

With regards to claims 3 and 4, an extension to the rejection of claim 2, Sussman also discloses repeated elements of text and symbol (see figure 1).

With regards to claim 5, Suzuki discloses a stereogram as recited in claim 2, wherein the repeated elements are designs (see figure 15 row 241).

3. Claim 7 is rejected under U.S.C. 103(a) as being unpatentable over Suzuki ('425) in view of Kay (US pat no 7,080,473).

With regards to claim 7, Suzuki discloses all the limitations of claim 6, but does not disclose non-planar surface is a cylinder having an axis of rotation. Kay discloses non-planar surface is a cylinder having an axis of rotation (see figure 4A). One skilled in the

art would include non-planar surface is a cylinder having an axis of rotation because to change designs on the first and second image patterns for variety of users, tailored to each of their preferences.

Conclusion

This action is made final. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shorten statutory period for reply to this final action is set to expire three months from the mailing date of this action. In the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shorten statutory period, then the shorten statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than six months from the mailing date of the final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX LIEW whose telephone number is (571)272-8623. The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/
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6/1/08